

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN HENDRIX,

Plaintiff,

v.

ARCE,

Defendant.

Case No. 1:20-cv-01307-AWI-CDB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO GRANT
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT FOR A FAILURE TO
EXHAUST ADMINISTRATIVE REMEDIES**

(Doc. 59)

Plaintiff Benjamin Hendrix is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 13, 2022, the assigned magistrate judge filed findings and recommendations, recommending that Defendant Arce's motion for summary judgment re: exhaustion be granted, and that Plaintiff's complaint be dismissed without prejudice. (Doc. 59.) The magistrate judge provided Plaintiff 14 days within which to file any objections to the findings and recommendations. (*Id.* at 18-19.) No objections have been filed and the time to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

1 Accordingly, **IT IS HEREBY ORDERED** that:

- 2 1. The findings and recommendations issued on December 13, 2022 (Doc. 59) are
3 ADOPTED in full;
4 2. Plaintiff's complaint is DISMISSED without prejudice;
5 3. Plaintiff's pending motions to compel (Docs. 54 & 55) are DENIED as moot; and
6 4. The Clerk of the Court is directed to close this case.

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8 IT IS SO ORDERED.

9 Dated: January 11, 2023



10 SENIOR DISTRICT JUDGE
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